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I. LAND AND PEOPLE

A. Geography

1. Cyprus is the third largest island in the Mediterranean with an area of 9,251 sq km. It is situated at the north-eastern end of the Mediterranean basin at a distance of approximately 360 km east of Greece, 300 km north of Egypt, 105 km west of the Syrian Arab Republic and 75 km south of Turkey. It is a mainly mountainous country with two mountain ranges. Pentadaktylos in the north and Troodos in the south-west culminating in the peak of Mount Olympus (1,953 m). The largest plain, Mesaoria, is situated between them. The climate is temperate (Mediterranean), with its typical seasonal rhythm strongly marked in respect of temperature, rainfall and weather generally. The average annual rainfall is 500 mm, the fall from December to February being nearly two thirds of the yearly total. From time to time the country suffers from drought.

B. Historical background

2. Cyprus has played an important part in the history of the eastern Mediterranean. Its history spans nine millennia. In the second millennium B.C. the Achaean Greeks established city-kingdoms in the island on the Mycenaean model and introduced the Greek language and culture which are preserved to this day despite the vicissitudes of history.

3. Cyprus was well known to the ancients for its copper mines and forests. Its geostrategic position and wealth accounted for a succession of conquerors such as the Assyrians, the Egyptians and the Persians. During the fifth century B.C. there was considerable interaction between Athens and Cypriot city-states, particularly Salamis.

4. On the partition of the empire of Alexander the Great, who liberated the island from the Persians, Cyprus became a significant part of the empire of the Ptolemies of Egypt; the Hellenistic period ended in 58 B.C. when the Romans came and remained until the fourth century A.D., making Cyprus part of the Roman Empire. The introduction of Christianity to Cyprus by apostles Paul and Barnabas in 45 A.D. was the most important event during the period of the Roman rule.

5. In 330 A.D. Cyprus became part of the eastern section of the Roman Empire and later of the Byzantine Empire and remained so until the twelfth century A.D. During the period of the Crusades, it was conquered by Richard the Lionheart of England (1191) who sold the island to the Knights Templar. They were followed by the Frankish Lusignans who established a kingdom on the western feudal model (1192-1489). It then came under the rule of the Republic of Venice until 1571, when it was conquered by the Ottoman Turks. The Ottoman occupation lasted until 1878 when Cyprus was ceded to the United Kingdom. In 1923, under the Treaty of Lausanne, Turkey relinquished every right to Cyprus and recognized its annexation to the United Kingdom, already proclaimed by the British Government in 1914.

6. After a long but unsuccessful peaceful political and diplomatic effort, which included a referendum for self-determination in 1950, the Greek Cypriots took up arms in 1955 against the colonial power to attain freedom. During the anticolonial struggle, Turkey encouraged the Turkish Cypriot leaders to identify themselves with the colonial government in an effort to thwart the struggle for self-determination of the people of Cyprus. The "divide and rule" policy of the colonial government made serious incidents between the two communities inevitable.

7. The British rule lasted until August 1960 when, on the basis of the Zurich-London Agreements, the island became independent and was proclaimed a republic.

C. Population

8. The population of Cyprus at the end of 1996 was 741,000 (males: 369,500, females: 371,500). Population distribution by ethnic group is 83.9 per cent Greek, 12.0 per cent Turkish, 0.6 per cent Maronites, 0.4 per cent Armenians, 0.1 per cent Latins and 3.0 per cent others, i.e. foreign residents, mainly British, Greek, other Europeans and Arabs. (Approximately 109,000 settlers transferred from Turkey in order to alter the demographic structure of Cyprus, in contravention of international law, as well as the Turkish occupation forces, are, of course, not included.) As a result of the Turkish invasion the Greek Cypriots were forcibly expelled by the invading army from the area it occupied and are now living in the Government-controlled area; almost all the Turkish Cypriots who lived in this area were forced by their leadership to move to the area occupied by Turkish troops, whereas prior to the invasion the two communities lived together in roughly the same proportion of four Greeks to one Turk in all the six administrative districts. Twenty-two thousand Greek Cypriots, who remained enclaved in the area occupied by the Turkish army, were subsequently gradually expelled. In June 1997 there remained in the occupied area 673 elderly Greek and Maronite Cypriots.

9. The policies pursued by Turkey in the occupied area since its invasion of Cyprus constitutes the first case of ethnic cleansing in post-Second World War Europe.

10. The following statistics pertain to the area under the effective control of the Government of the Republic:

Population in the Government-controlled area (1996): 651,800
(males: 325,000; females: 326,800);

Population distribution by age (1996): 0-14 years: 24.6 per cent;
15-64 years: 64.3 per cent;
over 65 years: 11.1 per cent;

Percentage of population in: urban areas: 68.9 per cent;
rural areas: 31.1 per cent;

Working population as a percentage of the total population: 47.3.

11. The official languages of the country are Greek and Turkish. Nearly all Greek Cypriots are Orthodox Christians; Turkish Cypriots are Muslims, and members of the Armenian, Maronite and Latin minorities adhere to their own Christian denominations. Under article 2, paragraph 2, of the Constitution they opted for the Greek Community of Cyprus.

D. Economy

12. The economy of Cyprus is based on the free enterprise system. The private sector is the backbone of economic activity with the Government's role limited to safeguarding the system, indicative planning and the provision of public utilities.

13. Although the blow inflicted on the economy by the Turkish invasion of 1974 was devastating (the occupied part at that time accounted for almost 70 per cent of the Gross Domestic Product), recovery was remarkable. Declines in GDP during 1974 and 1975 were quickly reversed and by 1977, it surpassed its pre-1974 level. Business confidence returned followed by a sharp upturn in investment. By 1979 conditions of full employment were restored: unemployment, which approached 30 per cent of the economically active population in the second half of 1974, had been virtually eliminated (1.8 per cent) and the refugees were rehoused temporarily, pending their return to their homes.

14. In more recent years (1990-1996) the economy has been growing at an average rate of 4 per cent in real terms. GDP has surpassed the £C 4 billion mark and the rate of inflation has been contained at relatively low levels (2.6 per cent in 1995, 3 per cent in 1996). The per capita income is today one of the highest in the region at US$ 13,650 (1996).

15. In the post-1974 period the economy underwent major structural changes. The manufacturing sector became one of the major engines of growth during the second half of the 1970s and early 1980s, whereas that role was assumed by tourism in the late 1980s and by other services in the early 1990s. These structural changes were reflected in the contribution of the above-mentioned sectors to GDP and gainful employment. To sum up, Cyprus has gradually been converted from an underdeveloped country in which the primary sector was dominant into a service-oriented economy.

16. International trade is of considerable importance to the economy of Cyprus. On the production side, the lack of raw materials, energy resources and heavy industry for the production of capital goods necessitate the import of such inputs. On the demand side, because of the small size of the domestic market, exports are vital in supplementing aggregate demand for Cypriot agricultural, mineral and manufactured products and services. The main economic partners of Cyprus are the member countries of the European Union, the neighbouring countries of the Middle East and countries of central and eastern Europe.

17. The main characteristic of the balance of payments position is a large deficit in the trade balance which, in the last few years, was more than offset by invisible earnings from tourism, international transportation, offshore activities and other services.

E. Socio-economic indicators

18. The following indicators* are provided:

Life expectancy (1996): males: 75.3; females: 79.8;

Infant mortality (1996): 8 per 1,000 live births;

Total fertility rate (1996): 2.1;

Literacy rate for ages 15 and over: 94.0 per cent
(males: 97 per cent; females: 90 per cent);

Estimated per capita income (1996): US$ 13,650;

Gross National Product (1991): £C 4.1 billion;

Rate of inflation (1996): 3.0 per cent;

External public debt (1996): £C 407.7 million;

Unemployment rate (1996): 3.1 per cent
(males: 2.3 per cent; females: 4.3 per cent);

Persons/doctor (1995): 404;

Persons/hospital bed (1995): 195;

Telephone lines/1,000 population (1996): 562;

Passenger cars/1,000 population (1995): 387.

II. GENERAL POLITICAL STRUCTURE

A. Recent political history and developments

19. The Republic of Cyprus was set up on 16 August 1960 with the coming into force of three main treaties and its Constitution which have their origin in the Zurich Agreement of 11 February 1959 between Greece and Turkey and the London Agreement of 19 February 1959 between Greece, Turkey and the United Kingdom. The Constitution of the Republic together with the three treaties provided the legal framework for the existence and functioning of the new State.

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* Because of the presence of the Turkish Army, the Government of the Republic of Cyprus has no access to the occupied area and therefore figures in respect of the occupied part of Cyprus are not available.

20. The three treaties are:

(a) The Treaty concerning the Establishment of the Republic of Cyprus signed by Cyprus, Greece, Turkey and the United Kingdom. It provided for the establishment of the Republic of Cyprus and, inter alia, for the creation and operation of two British military bases in Cyprus, the cooperation of the parties for the common defence of Cyprus and the recognition and respect of human rights of everyone within the jurisdiction of the Republic comparable to those set out in the European Convention on Human Rights (United Nations, Treaty Series, vol. 382 (1960), No. 5476);

(b) The Treaty of Guarantee signed by Cyprus, the United Kingdom, Greece and Turkey by which the independence, territorial integrity and security of the Republic of Cyprus, as well as the state of affairs established by the Basic Articles of its Constitution, are recognized and guaranteed (United Nations, Treaty Series, vol. 382 (1960) No. 5475);

(c) The treaty of Alliance signed by Cyprus, Greece and Turkey, aiming at protecting the Republic of Cyprus against any attack or aggression, direct or indirect, directed against its independence or its territorial integrity (United Nations, Treaty Series, vol. 397 (1961) No. 5712).

21. Whilst establishing an independent and sovereign Republic, the Constitution of Cyprus, "unique in its tortuous complexity and in the multiplicity of the safeguards that it provides for the principal minority, ... stands alone among the constitutions of the world" (S.A de Smith, The New Commonwealth and its Constitutions, London, 1964, p. 296). Therefore, it was no surprise that, within less than three years, abuse of safeguards by the Turkish Cypriot leadership led to total unworkability of the Constitution which necessitated the proposals for constitutional amendments submitted by the President of the Republic and which were immediately rejected by the Turkish Government and subsequently by the Turkish Cypriot community.

22. Turkey, in furtherance of its designs based on territorial aggrandizement, instigated the Turkish Cypriot leadership's resort to insurrection against the State, forced the Turkish Cypriot members of the executive, legislature, judiciary and civil service to withdraw from their posts and created military enclaves in Nicosia and other parts of the island. As a result of the foregoing and the intercommunal violence that ensued the Security Council of the United Nations was seized with the situation and by resolution 186 (1964) of 4 March 1964 a peacekeeping force was sent to Cyprus and a mediator appointed. In his report (S/6253-A/6017) the Mediator, Dr. Galo Plaza, criticized the 1960 legal framework and proposed necessary amendments which were again immediately rejected by Turkey, a fact which resulted in serious deterioration of the situation with constant threats by Turkey against the sovereignty and territorial integrity of Cyprus which necessitated a series of United Nations resolutions calling, inter alia, for respect of the sovereignty, independence and territorial integrity of Cyprus.

23. The Secretary-General of the United Nations in 1965 described the policy of the Turkish Cypriot leaders in this way:

> "The Turkish Cypriot leaders have adhered to a rigid stand against any measures which might involve having members of the two communities live and work together, or which might place Turkish Cypriots in situations where they would have to acknowledge the authority of Government agents. Indeed, since the Turkish Cypriot leadership is committed to physical and geographical separation of the communities as a political goal, it is not likely to encourage activities by Turkish Cypriots which may be interpreted as demonstrating the merits of an alternative policy. The result has been a seemingly deliberate policy of self-segregation by the Turkish Cypriots" (S/6426).

Despite this policy, a certain degree of normality gradually returned to Cyprus and by 1974, with the active encouragement of the Government, a large proportion of Turkish Cypriots were living and working alongside their Greek Cypriot fellow citizens.

24. Using as a pretext the coup d'état of 15 July 1974, instigated by the Greek military junta against the Cypriot Government, Turkey invaded the island on 20 July. Forty thousand Turkish troops landed on the island, in violation of the Charter of the United Nations, the Treaties of Guarantee and Alliance and the relevant principles and norms of international law. As a result approximately 37 per cent of the island remains occupied. Forty per cent of the Greek Cypriot population, representing 82 per cent of the population of the occupied area were forcibly expelled. Thousands of people, including civilians, were killed, wounded or ill-treated. Moreover, the whereabouts of hundreds of Greek Cypriots, including women and children and other civilians, many of whom were known to have been captured by the Turkish Army, are still unknown.

25. The Turkish occupation authorities resorted to a policy of systematic destruction of the cultural and religious heritage of Cyprus.

26. Since the Turkish occupation army has assumed effective control of the northern part of the territory of Cyprus, Turkey has pursued a systematic State policy of colonization. To this end, Turkey has relocated, as at the end of 1996, about 109,000 of its citizens to the area under its military occupation. The policy of the Turkish Government also led to the shrinking of the Turkish Cypriot population, mainly through emigration, from 120,000 in 1974 to approximately 89,200 by the end of 1996 (see the report of the Parliamentary Assembly of the Council of Europe, "The demographic structure of Cypriot communities" (Doc. 6589)). The net emigration of Turkish Cypriots from 1974 to 1996 according to Turkish Cypriot sources, was approximately 48,600.

27. Another series of United Nations General Assembly and Security Council resolutions condemned the invasion of Cyprus, the continuing military occupation, the colonization and the secessionist acts that followed; demanded the return of the refugees to their homes in safety, as well as the tracing of the missing persons; urged the speedy withdrawal of all foreign troops; and

called for respect for the human rights of the Cypriots (General Assembly resolutions 3212 (XXIX) 1 November 1974, 3395 (XXX) 20 November 1975, 31/12 of 12 November 1976, 32/15 of 9 November 1977, 33/15 of 9 November 1978, 34/30 of 20 November 1979, 37/253 of 13 May 1983; Security Council resolutions 353 (1974) of 20 July 1974, 354 (1974) of 23 July 1974, 355 (1974) of 1 August 1974, 357 (1974) of 14 August 1974, 358 (1974) of 15 August 1974, 359 (1974) of 15 August 1974, 360 (1974) of 16 August 1974, 361 (1974) of 30 August 1974, 365 (1974) of 13 December 1974, 367 (1975) of 12 March 1975, 414 (1977) of 15 September 1977, 440 (1978) of 27 November 1978, 541 (1983) of 18 November 1983, 550 (1984) of 11 May 1984, 649 (1990) of 12 March 1990, 716 (1991) of 11 October 1991, 750 (1992) of 10 April 1992, 774 (1992) of 26 August 1992, 789 (1992) of 24 November 1992, 939 (1994) of 29 July 1994, 969 (1994) of 21 December 1994, 1000 (1995) of 23 June 1995, 1032 (1995) of 19 December 1995, 1062 (1996) of 28 June 1996, 1092 (1996) of 23 December 1996, 1117 (1997) of 27 June 1997). Moreover, the European Commission on Human Rights found the Government of Turkey responsible for gross massive and continuing violations of human rights in Cyprus, including murders, rapes, expulsions and refusal to allow more than 180,000 Greek Cypriot refugees, almost one third of the entire population, to return to their homes and properties in the occupied part of Cyprus (cf. Cyprus against Turkey, report of 10 July 1976 on Applications No. 6780/74 and 6950/75, and report of 4 October 1983 on Application No. 8007/77 of the European Commission on Human Rights).

28. On 15 November 1983, in the middle of yet another United Nations initiative, the regime installed by Turkey in the part of Cyprus occupied by Turkish troops issued a declaration by which it purported to create an independent State. Turkey immediately accorded recognition to the secessionist entity which, however, has not been recognized by any other State. Further secessionist acts followed. United Nations Security Council resolutions 541 (1983) and 550 (1984) condemned the unilateral declaration and all subsequent secessionist acts, declared them illegal and invalid and called for their immediate withdrawal. The resolutions also called on all States not to recognize the purported State and not to facilitate or in any way assist it.

29. In its search for a peaceful solution, the Cypriot Government, despite the continuing illegal occupation, agreed to intercommunal talks being held in line with the aforementioned resolutions. These talks are continuing even today. Success has not been possible because of the Turkish intransigence and partitionist designs. In the words of the United Nations Secretary-General, "For the present, the Security Council finds itself faced with an already familiar scenario: the absence of agreement due essentially to a lack of political will on the Turkish Cypriot side" (document S/1994/629, para. 53).

30. The Cyprus Government hopes that Turkey and the Turkish Cypriots will show the necessary commitment, goodwill and respect for international law and will fully cooperate. The Cyprus Government aims at a just, viable, comprehensive and functional solution under a bizonal, bicommunal federal structure that will guarantee the independence, territorial integrity, unity and sovereignty of Cyprus, free from occupation troops and illegal settlers; a solution which would ensure full respect of human rights and fundamental freedoms for all Cypriots, irrespective of ethnic origin or religion.

31. From the above it is evident that the Government of the Republic of Cyprus is prevented by armed force from exercising its authority and control and ensuring implementation and respect of human rights in the occupied area (see, inter alia, European Commission on Human Rights, Cyprus against Turkey, op. cit.: "The Commission concludes that Turkey's jurisdiction in the north of the Republic of Cyprus, existing by reason of the presence of her armed forces there which prevents exercise of jurisdiction by the applicant Government, cannot be excluded on the ground that jurisdiction in that area is allegedly exercised by the 'Turkish Federated State of Cyprus'". See also Judgment of European Court of Human Rights, case of Loizidou v. Turkey (Merits) (40/1993/435/514), 18 December 1996).

B. The constitutional structure

32. The Constitution provides for a presidential system of government with a President who has to be Greek and a Vice-President who has to be a Turk, elected by the Greek and Turkish communities of Cyprus respectively for a fixed five-year term (art. 1). The President and the Vice-President of the Republic ensure the exercise of the executive power by the Council of Ministers or the individual Ministers. The Council of Ministers, which comprises seven Greek and three Turkish Cypriot Ministers nominated by the President and the Vice-President respectively but appointed by them jointly, exercises executive power in all matters other than those which under express provisions of the Constitution are within the competence of the President and Vice-President and the Communal Chambers (art. 54).

33. A unicameral House of Representatives is provided for by the Constitution as the legislative organ of the Republic composed of 50 representatives, 35 elected by the Greek Community and 15 by the Turkish Community for a five-year term with a Greek Cypriot President and a Turkish Cypriot Vice-President, elected separately. The House of Representatives exercises the legislative power in all matters except those expressly reserved to the Communal Chambers under the Constitution (art. 61).

34. Two Communal Chambers were also envisaged by the Constitution to exercise legislative and administrative power in certain restricted subjects, such as religious affairs, educational and cultural matters and over communal taxes and charges levied to provide for the needs of bodies and institutions under the control of the Chamber (arts. 86-90).

35. The Constitution provided for a Supreme Constitutional Court consisting of a neutral President and a Greek and a Turkish judge appointed by the President and the Vice-President of the Republic and a High Court consisting of two Greek judges, one Turkish judge and one neutral President, all similarly appointed. The Supreme Constitutional Court was vested with jurisdiction in all constitutional and administrative law matters. The High Court is the highest appellate court. It has revisional jurisdiction and the power to issue orders in the nature of habeas corpus and other prerogative writs. Ordinary civil and criminal jurisdiction in the first instance is vested in the assize and district courts. The Constitution prohibits the setting up of judicial committees or exceptional or special courts under any guise.

36. The independent officers of the Republic are the Attorney-General and his Deputy, the Auditor-General and his Deputy and the Governor and Deputy-Governor of the Central Bank who are also appointed by the President and Vice-President on a community basis. The public service of the Republic should be composed of 70 per cent Greek Cypriots and 30 per cent Turkish Cypriots with a Public Service Commission similarly composed, responsible for appointments, promotions, discipline, etc.

37. Both communities were given the right to maintain a special relationship with Greece and Turkey, including the right to receive subsidies for educational, cultural, athletic and charitable institutions, and of obtaining and employing schoolmasters, professors or clergymen provided by the Greek or Turkish Government (art. 108).

38. The entrenched communal character of the Constitution was confirmed by the voting system. All elections were to be conducted on the basis of separate communal electoral lists (arts. 63 and 94) and separate voting (arts. 1, 39, 62, 86, 173 and 178). Elections are now based on the proportional representation principle.

39. The withdrawal of the Turkish Cypriot officials and their refusal to exercise their functions rendered governance in accordance with certain constitutional provisions impossible. Matters came to a head when the neutral Presidents of the Supreme Constitutional and High Courts resigned in 1963 and 1964 respectively and, therefore, neither Court could function. It should be noted that the Turkish Cypriot judges in both the superior and district courts remained in their posts until 1966 when they were forced by the Turkish Cypriot leadership to leave the bench, whereupon half of them fled abroad.

40. The situation described above necessitated the introduction of remedial legislative measures. Thus, a new Administration of Justice (Miscellaneous Provisions) Law of 1964 was enacted creating a new Supreme Court which took over the jurisdiction of both the Supreme Constitutional Court and the High Court. The first President of the Supreme Court was the Turkish Cypriot most senior judge of the High Court. The same law reconstituted the Supreme Council of the Judicature which is the organ that ensures the independence of the judiciary.

41. The constitutionality of the Administration of Justice (Miscellaneous Provisions) Law, 1964 was challenged before the Supreme Court which, in the case of The Attorney-General of the Republic v. Mustafa Imbrahim (1964) (Cyprus Law Reports p. 195), decided that the Law was justified under the doctrine of necessity in view of the abnormal situation prevailing in Cyprus. Thereafter, the administration of justice reverted to normal.

42. Other main areas where, on the basis of the same doctrine, legislative action remedied similar situations were the Communal Chamber, the Public Service Commission and the membership of the House of Representatives.

III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

43. The basis of the legal system of Cyprus is the common law and the principles of equity applicable at the time of independence as amended or supplemented thereafter by the Republic's statutes and case law. Also, independence saw the introduction and development of the continental administrative and constitutional law.

44. It was natural for Cyprus, a country with a long history and tradition of civilization and culture, to accord, immediately after emancipation from colonial rule, vital importance to international law and particularly to human rights norms. Given the superior force of international instruments, international human rights law enriched and reinforced the body of municipal law that protects human rights and liberties. Therefore, one of the first tasks of the new Republic was to examine treaties extended to it by the United Kingdom and notify, as appropriate, succession thereto, whilst examining existing regional and universal human rights instruments and ratifying or acceding to nearly all of them, a policy that continues to date.

45. Central in the conduct of international relations of Cyprus is the recognition of the predominance of international law, the purposes and principles of the Charter of the United Nations and particularly the peaceful settlement of disputes based on respect of human rights and fundamental freedoms. As a result, Cyprus is party to most of the international human rights and humanitarian law treaties, conventions of the International Labour Organization and other instruments including:

International Covenant on Civil and Political Rights (1966);

International Covenant on Economic, Social and Cultural Rights (1966);

International Convention on the Elimination of All Forms of Racial Discrimination (1965);

Convention on the Elimination of All Forms of Discrimination against Women (1979);

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984);

Convention on the Rights of the Child (1989);

Convention on the Prevention and Punishment of the Crime of Genocide (1948);

Convention relating to the Status of Refugees (1951) and its Protocol (1967);

European Convention on Human Rights (1950) and most of its Protocols;

European Social Charter (1961);

European Convention for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (1987).

46. The constitutional structure of Cyprus, whilst embodying all norms necessary for the promotion of human rights and securing the separation of powers, particularly the independence of the judiciary, is permeated by communalism leading to separatism, even to polarization.
The 1960 Constitution, the supreme law of the Republic, is the main instrument that recognizes and protects human rights. Part II of the Constitution, entitled "Fundamental rights and liberties", incorporates and expands upon the Universal Declaration of Human Rights and the European Convention on Human Rights.

47. Although the legislative, executive and judicial authorities are all enjoined by article 35 of the Constitution to secure, within the limits of their respective competence, the efficient application of human rights, it is the totally independent judiciary that is the ultimate protector of human rights and liberties.

48. All laws, and especially criminal law and procedure, must and do protect fundamental rights. Any law or provisions thereof that violate human rights in any way will, and in many instances such laws or provisions thereof, upon a finding of inconsistency be declared unconstitutional by the Supreme Court; this has occurred in many instances. Any restrictions or limitations of the human rights guaranteed under the Constitution have to be provided by law and have to be absolutely necessary only in the interests of the security of the Republic, or the constitutional order, or public safety, or public order or public health, or for the protection of the rights guaranteed by the Constitution to any person. Provisions relating to such limitations or restrictions should be interpreted strictly. The Supreme Constitutional Court, in the case of Fina Cyprus Ltd. v. The Republic (RSCC, vol. 4, p. 33), decided that "legislation involving interference with the Fundamental Rights and Liberties safeguarded under the Constitution ... and their construction is governed by the settled principle that such provisions should be construed in case of doubt in favour of the said rights and liberties".

49. Wherever positive action was contemplated by the Constitution or other instruments in respect of certain, mainly social, economic or cultural, rights, such action should be taken within a reasonable time.

50. The remedies available to an individual who claims that his rights have been violated are the following:

(a) Right of petition and hierarchical recourse;

(b) Recourse to the Supreme Court for the annulment of any decision, act or omission of an organ or authority (both original and revisional jurisdiction);

(c) Raising by a party to any judicial proceedings of the question of unconstitutionality of any law or decision, whereupon the court is obliged to reserve the question for the decision of the Supreme Court and stay the proceedings;

(d) Civil action for compensation, restitution and declaratory judgement. In cases of possible irreparable damage an injunction may be granted;

(e) Private criminal prosecution;

(f) Right of appeal in both civil and criminal cases;

(g) The prerogative writs of habeas corpus, certiorari, prohibition, mandamus and quo warranto;

(h) Courts exercising criminal jurisdiction may award compensation to victims of crimes up to, in the case of assize courts, C£ 3,000;

(i) The Republic is liable for any wrongful act or omission causing damage committed in the exercise or purported exercise of the duties of its officers or authorities;

(j) The Council of Ministers may set up a Commission of Inquiry to investigate and report on serious allegations of misconduct including violations of human rights;

(k) The House of Representatives and its Committees in the exercise of their functions, including parliamentary control, consider, on many occasions, allegations or situations that involve abuse of human rights;

(l) The Attorney-General of the Republic has a special responsibility to ensure the observance of legality and the rule of law and may often, proprio motu or at the instance of a complainant, order inquiries or advise on remedies;

(m) The Commissioner for Administration (Ombudsman) has, inter alia, competence to investigate complaints by an individual that the Administration has violated his individual rights or acted contrary to law or in circumstances amounting to maladministration;

(n) An individual, having exhausted domestic remedies, may have recourse or submit a communication under the optional procedures of various international human rights instruments such as the European Convention on Human Rights, the Optional Protocol to the International Covenant on Civil and Political Rights and the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(o) Cyprus has also accepted the compulsory jurisdiction of the European Court of Human Rights and the optional clause of compulsory jurisdiction of article 36 (2) of the Statute of the International Court of Justice.

51. In case of war or public danger threatening the life of the Republic or any part thereof, certain of the fundamental rights guaranteed under and specified by the Constitution may be suspended during the period of the emergency by a proclamation of emergency issued by the Council of Ministers.

Such proclamation must be laid forthwith before the House of Representatives which has the power to reject it. The rights that may be suspended are the following:

(a) The right to life and corporal integrity, only insofar as it relates to death inflicted by a permissible act of war;

(b) Prohibition of forced and compulsory labour;

(c) The right to liberty and security of person;

(d) Freedom of movement;

(e) Inviolability of the dwelling;

(f) Interference with correspondence;

(g) Freedom of speech and expression;

(h) The right of assembly and freedom of association;

(i) The right to property, only insofar as prompt payment of compensation for requisitioning is concerned;

(j) The right to practise any profession or to carry on any business;

(k) The right to strike.

52. It should be noted that Cyprus has never proclaimed a state of emergency since independence, not even when the country was invaded by Turkey and part of it was, and continues to be, occupied.

53. International conventions ratified or acceded to by the Republic are incorporated into the Republic's municipal law and have, as from their publication in the Official Gazette, superior force to any municipal law. Such conventions are directly applicable in the Republic and can be, and are in fact, invoked before and directly enforced by the courts and administrative authorities (cf. decision of the Supreme Court in civil appeal No. 6616, Malachtou v. Aloneftis, 20 January 1986). When an international convention contains non-self-executing provisions, the Legislature has a legal obligation to enact appropriate legislation in order to harmonize the municipal law with the convention and make the latter fully enforceable.

54. Further, the Law Commissioner, an independent officer, now a former senior judge, who is responsible for the updating of legislation, has also been charged with ensuring compliance of Cyprus' reporting obligations under international human rights instruments, as well as identifying areas of inconsistency of municipal law and administrative practice with current international law standards in the field of human rights and proposing necessary action.

55. Cyprus is a practising pluralist democracy with absolute respect for the rights and freedoms of the individual. It continuously strives to achieve more progress in the field of human rights by overcoming difficulties chief of which is the continued occupation of more than a third of its territory. Through instruction and education and other positive action by the State it combats the remnants of prejudice, especially in respect of the equality of the sexes.

56. There are several non-governmental organizations covering all sectors of life, including human rights associations. There are also a number of statutory bodies such as the one for the promotion and protection of women's rights, the tripartite Labour Advisory Board and the Prices and Incomes Board.

57. The role of the mass media in the promotion and protection of human rights is considerable. The press is entirely free and the several daily, weekly and other newspapers and periodicals are privately owned. The same applies to radio and television broadcasting where only one radio and one television station is State-owned but is run by an independent corporation.

IV. INFORMATION AND PUBLICITY

58. All international conventions and treaties to which Cyprus becomes party are published in the Official Gazette. Appropriate publicity is given to them in the media, printed and electronic press and includes the acceptance of the right under optional procedures to petition or address communications to human rights organs.

59. Human rights are considered a particularly important issue and special action is always taken to promote awareness among the public, and the relevant authorities, of the rights contained in the various human rights instruments. Awareness, as the necessary precondition to, inter alia, claiming one's rights and prevention of abuses, is pursued mainly through education by including the teaching of human rights in the curricula at all levels of education, teachers' and police training academies, parents' guidance and other similar institutions.

60. The Government, the media and the private sector publish books and pamphlets on the question of violation of human rights in various languages. Posters and brochures are distributed to schools, youth centres and organizations. Special press releases regarding human rights are issued as necessary covering both local and international developments including conferences, seminars, lectures, colloquies and other similar events. Articles on human rights frequently appear in the newspapers and in specialized publications including those of the Bar Association and the human rights organizations.